

OPTIONS FOR ACQUIRING WATER RIGHTS ON CBM WATER

1. EXISTING STOCK PONDS

- a. If there is a claim for an existing stock pond or reservoir, and
- b. If CBM water is discharged to the natural drainage and collected in the existing stock pond, and
- c. If only the historical amount of water is collected and appropriated
- d. NO NEW WATER RIGHT IS REQUIRED

2. NEW STOCK PONDS (15 AF or less)

- a. If a new stock pond is proposed on a drainage, and
- b. If the CBM water is discharged to the drainage and collected in the new reservoir, and
- c. The proposed pond meets the requirements of MCA 85-2-306(6) and (7)
- d. THE POND IS CONSTRUCTED AND THEN THE WATER USE PERMIT IS APPLIED FOR BY THE LANDOWNER.

3. NEW PONDS FOR STOCK (greater than 15AF) OR FOR IRRIGATION

- a. If a new pond is proposed on a drainage, and
- b. If the CBM water is discharged to a drainage and collected in the new reservoir for stock or irrigation, and
- c. The landowner applies for a water use permit under MCA 85-2-311
- d. A WATER USE PERMIT COULD BE ISSUED IF THE CRITERIA IN MCA 85-2-311 ARE MET
 - i. AN INTERIM PERMIT COULD BE ISSUED PENDING FINAL APPROVAL OF THE PROVISIONAL PERMIT

4. GROUNDWATER FOR STOCK USE (35gpm or less and 10 AF or less)

- a. If the landowner has an agreement with the CBM company, and
- b. If CBM well is pumped and piped from the well head to private stock tanks, or piped to the reservoir site, and
- c. The diversion and use is less than 35 gpm and 10 AF
- d. The landowner can file a Notice of Completion of Groundwater Development under MCA 85-2-306(1)
- e. A CERTIFICATE OF WATER RIGHT CAN BE ISSUED TO THE LANDOWNER

5. GROUNDWATER FOR IRRIGATION USE (Greater than 35 gpm and 10 AF)

- a. If the landowner has an agreement with the CBM company, and
- b. If CBM well is pumped and piped from the well head to an irrigation system, and
- c. The diversion and use is greater than 35 gpm and 10 AF
- d. The landowner can apply for a water use permit under MCA 85-2-311
- e. A WATER USE PERMIT COULD BE ISSUED IF THE CRITERIA IN MCA 85-2-311 ARE MET
 - i. AN INTERIM PERMIT COULD BE ISSUED PENDING FINAL APPROVAL OF THE PROVISIONAL PERMIT